

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Jeffrey Lawrence Bemer**

Docket No. **283658**

L.C. No. **05-001612-FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal from the February 15 2007 judgment of sentence is DISMISSED for lack of jurisdiction since the circuit court has not entered an order denying appellant's timely postjudgment motion for resentencing even though it denied the motion from the bench. *People v Vincent*, 455 Mich 110, 123; 565 NW2d 629 (1997) (a court speaks through its orders, not its opinions). Appellant may file a delayed application for leave to appeal within 21 days of the entry of the order denying the still pending postjudgment motion despite the fact that the 12-month appellate period has expired. MCR 7.205(F)(4).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 5 2008

Date

Sandra Schultz Mengel
Chief Clerk